

## UNITED STATES DISTRICT COURT

for the  
Northern District of Ohio

MAG. JUDGE GREENBERG

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)929 Township Road 2375  
Perrysville, Ohio 448641:17 MJ 4204  
Case No. 5:17 MJ1195

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

SEE ATTACHMENT A, which is incorporated herein by reference.

located in the Northern District of Ohio, there is now concealed (*identify the person or describe the property to be seized*):

SEE ATTACHMENT B, which is incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 U.S.C. 2251(a)

Sexual Exploitation of Children

The application is based on these facts:

SEE AFFIDAVIT, which is incorporated herein by reference.

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Bryan J. Allen, FBI Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 11-29-17

Jonathan Greenberg  
Judge's signature

City and state: Cleveland, Ohio

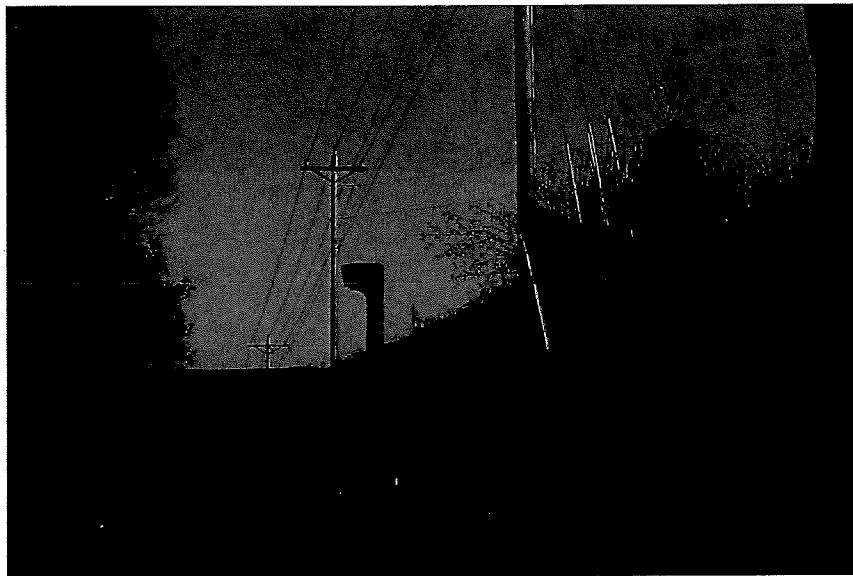
Jonathan Greenberg, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A  
929 Township Road 2375

Perrysville, Ohio 44864

The residence is described as a white in color single family dwelling with a two car detached garage. The front door is located on the north side of the residence and the side door is located on the east side of the residence. The mail box is located at the end of the driveway and has the numbers 929 TWP 2375 on the side.



## **ATTACHMENT B**

### **Particular Things to be Seized**

1. The Samsung Gusto 3 cellular telephone assigned call number **360-210-2360 and or ESN A00000477F7856**(the “target telephone”) whose service provider is Verizon Wireless, a wireless telephone service provider headquartered at 180 Washington Valley Road, Bedminster, NJ 07921.

## AFFIDAVIT

I, Bryan J. Allen, a Task Force Officer with the Federal Bureau of Investigation (FBI), Cleveland Division, being duly sworn, depose and state as follows:

1. I have been employed as a Canton Police Officer for approximately twenty-two years, and am currently assigned to the Cleveland Division, Canton Resident Agency's Child Exploitation Task Force. While employed by the Canton Police Department and assigned to the FBI, I have assisted in the investigation of federal criminal violations related to Violent Crimes and the FBI's Innocent Images National Initiative, which investigates matters involving the online sexual exploitation of children. I have gained experience through training at the FBI's Innocent Images National Initiative training center and everyday work related to conducting these types of investigations.
2. As a task force officer having received a Special Deputization from the United States Marshal's Office, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.
3. I am investigating the activities of an individual using the cellular device bearing number 360-210-2360 and/or Mobile Equipment Identifier (MEID) a00000477f7856. As will be shown below, there is probable cause to believe that someone using the cellular number and/or device with the above MEID has used this device in the sexual exploitation of children, in violation of Title 18, United States Code, Sections 2251(a). I am submitting this affidavit in support of a search warrant authorizing a search of 929 Township Road 2375, Perrysville, Ohio 44864 (the Premises), and the person of Michael D. Nixon (the Person) and is more particularly described in Attachment A, for the items specified in Attachment B hereto, which items constitute instrumentalities, fruits, and evidence of the foregoing violations. I am requesting authority to search

the entire Premises, including a two car detached garage, where the item specified in Attachment B may be found, and to seize the item listed in Attachment B as an instrument, fruit, and evidence of crime.

4. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence, fruits, and instrumentalities of the violation of Title 18, United States Code, Section 2251(a), are presently located at 929 Township Road 2375, Perrysville, Ohio 44864. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses.

#### **STATUTORY AUTHORITY**

5. This investigation concerns alleged violations of Title 18, United States Code, Sections 2251(a), relating to material involving the sexual exploitation of minors. 18 U.S.C. § 2251(a) prohibits a person from using, persuading, inducing, enticing, or coercing a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and the visual depiction was produced or transmitted using materials that have been mailed, shipped or transported in or affecting interstate or foreign commerce by any means, including by computer

#### **DEFINITIONS**

6. The following definitions apply to this Affidavit and Attachment B to this Affidavit:
  - a. "Child Pornography" as used herein, includes the definition in Title 18 U.S.C. § 2256(8) (any visual depiction of sexually explicit conduct where (a) the

production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct), as well as any visual depiction, the production of which involves the use of a minor engaged in sexually explicit conduct (see Title 18 U.S.C. §§ 2252 and 2256(2)).

- b. "Visual depictions" include undeveloped film and videotape, and data stored on computer disk or by electronic means, which is capable of conversion into a visual image. See Title 18 U.S.C. § 2256(5).

### **BACKGROUND OF THE INVESTIGATION**

- 7. On Thursday November 16, 2017, the Metropolitan Police Department for the District of Columbia (MPDC) was contacted by the parents of the Child Victim, a ten year old female, who resides in the District of Columbia (hereinafter referred to as "CV"). CV's parents reported that CV was contacted on her cellular phone by an UNKNOWN PERSON, via text from a cellular phone (the "Target Cellular Device") which was assigned telephone number 360-214-1406. CV's parents reported that the UNKNOWN PERSON asked CV to send nude images. CV complied with the UNKNOWN PERSON's request and, in return, the UNKNOWN PERSON sent pornographic images to CV. After the initial report was taken, the case was referred to the MPDC-Youth Division and was assigned to Detective Timothy Palchak for follow up investigation.

8. On Thursday November 16, 2017, Detective Palchak interviewed CV. CV provided the following information: On Sunday, November 12, 2017, at approximately 11:00 AM, CV received an unsolicited text from an UNKNOWN PERSON using the cell number 360-214-1406. The initial text messages included images of a teenage girl. CV described the images as depicting a Caucasian female with long brown hair. Although CV did not recall the order of the images, she described them as depicting a teen girl with long brown hair wearing panties, and an image of a girl's buttocks (CV believes this to be an image of the girl previously described). CV responded, "ewww why are you sending pictures of your butt." The UNKNOWN PERSON responded: "please don't tell." The UNKNOWN PERSON introduced himself/herself as Emily. CV told the UNKNOWN PERSON her real name and age (10) but in a subsequent text, CV indicated that she was 8. The UNKNOWN PERSON asked CV what school she attended. CV did not respond or provide the UNKNOWN PERSON with any other additional identifying information.
9. On either Monday, November 13, 2017, or Tuesday, November 14, 2017, the UNKNOWN PERSON re-initiated contact with CV. In one of the text messages, the UNKNOWN PERSON indicated that he/she had helped eleven year-olds in the past. CV could not recall the details of this particular text conversation but did recall that the UNKNOWN PERSON asked CV to send an image of herself in underwear. CV responded, "you go first." The UNKNOWN PERSON sent CV an image of a girl in her bra and panties. The image appeared to be of the same girl as the one that the UNKNOWN PERSON had sent to CV on Sunday, November 12.
10. CV reciprocated and sent an image of herself to the UNKNOWN PERSON wearing panties and a shirt (she did not recall what shirt she was wearing). The UNKNOWN PERSON requested another image of CV. CV told the UNKNOWN PERSON to

send an image first. The UNKNOWN PERSON sent CV an image of a girl with no pants or panties on with her legs slightly spread exposing her bare vagina. The UNKNOWN PERSON requested that CV send him /her a similar picture. CV took a picture of herself lying on her bed with no panties on, with her legs slightly spread. She then sent the image to the UNKNOWN PERSON. The UNKNOWN PERSON next sent an image of a topless girl to CV and again requested a similar picture from CV in return. CV complied with the request and took an image of her bare breast sending it to the UNKNOWN PERSON. These images were taken and sent while CV was at her home, located in the District of Columbia. CV, moreover, was in the District of Columbia for every communication she had with the UNKNOWN PERSON.

11. The UNKNOWN PERSON subsequently requested even more pictures from CV. This time, CV told the UNKNOWN PERSON that she did not feel comfortable and attempted to discontinue contact with the UNKNOWN PERSON. The UNKNOWN PERSON indicated that he /she would be willing to discontinue contact with CV in exchange for the contact names, phone numbers, and school information of her friends. The UNKNOWN PERSON then threatened CV, stating that if CV did not provide the UNKNOWN PERSON with the requested information, he /she would send the images CV previously provided to CV's school. Terrified, CV erased all of the text messages exchanged with the UNKNOWN PERSON and reported the incident to her mother.
12. At the conclusion of the interview, Detective Palchak took possession of CV's cellular phone and obtained consent to search the phone from CV and her parents.
13. On November 16, 2017, MPDC Detective Jeremiah Johnson conducted a forensic extraction of data from CV's cellular phone. The examination resulted in the



recovery of some of the deleted text messaging between CV and the TARGET TELEPHONE. The conversations were sexually explicit. The following is an excerpt of the extracted text message communications between the Target Cellular Device ("TCD") and CV's cellular phone:

Date	Time	Sender	Content
11/14/2017	10:11 PM	TCD	You here.
11/14/2017	10:11 PM	CV	Yep
11/14/2017	10:13 PM	TCD	Did you feel the little bump at the top put your finger on the bump hold it on it k.
11/14/2017	10:13 PM	CV	Umm...
11/14/2017	10:13 PM	CV	K
11/14/2017	10:43 PM	TCD	That tiny little hole you see is where your pee come out js.
11/14/2017	10:44PM	CV	K I'll try...
11/14/2017	10:44 PM	TCD	The bigger hole is your pussy that is where a guy sticks his dick when you fuck k.
11/14/2017	10:45PM	TCD	k don't worry this is your first time ever your doing great k.
11/14/2017	10:49 PM	TCD	You cut your clit out of the pic. That is the most important part js. Lick your fingers rub your clit that bump rub in a circular motion press down on your
11/14/2017	10:49 PM	TCD	Clit when rubbing. You will start too feel some tingling in your body feels great too.
11/14/2017	10:49 PM	CV	Ok?...NO
11/15/2017	12:57 PM	TCD	name age number what school too k. Noone will never know that you gave me the numbers pinky promise sis.
11/15/2017	6:39 PM	TCD	Hey sis talk to me please.
11/15/2017	11:34 PM	CV	I AM scared....
11/15/2017	11:35 PM	TCD	I know your 10yo you think bout guys girls things girls your age think bout. Yes sex too sis. I know you have done things with yourself too. You told me.

11/15/2017	11:36 PM	TCD	You have fr.
11/15/2017	11:36 PM	TCD	Lets trade nudes 4 for panty pics k. Do you have any spandex shorts or shorts sis.
11/15/2017	11:36 PM	CV	No I am not doin that
11/15/2017	11:37 PM	CV	I am bout to call my mom I am scared
11/15/2017	11:37 PM	CV	Fr I am soooo Scared
11/15/2017	11:37 PM	TCD	Then I want 5 girls names age numbers noone will ever know promise sis. That was our deal either do the numbers or pics or were not friends.
11/15/2017	11:38 PM	CV	I pick no friends
11/15/2017	11:38 PM	TCD	K call her tell her too call me so I can explain what happened k.
11/15/2017	11:38 PM	CV	Sis
11/15/2017	11:39 PM	CV	Why can't we just go on with our own business
11/15/2017	11:39 PM	CV	And carry on with are lives
11/15/2017	11:39 PM	TCD	Why i told you noone would find out who gave me the numbers K.
11/15/2017	11:40 PM	CV	K but not my sis and you will leave me alone forever and never bother me again deal
11/15/2017	11:40 PM	TCD	Trade pics then. Would you want nude pics of you or panty pics noone can tell who it is fr.
11/15/2017	11:41 PM	CV	You can't do my sis she will defentily call the police no joke.
11/15/2017	11:42 PM	CV	I will give you three outhr girls
11/15/2017	11:42 PM	TCD	K deal
11/15/2017	11:42 PM	CV	I just want you to know that u are harassing me...
11/15/2017	11:43 PM	TCD	Deal any fake name age number the deal is off then that mean I can show your pics if you try too give fake numbers k.
11/15/2017	11:44 PM	TCD	K no sis. I want one at a time the name age number& what school too.
11/15/2017	11:44 PM	TCD	Girls 10yo-14yo only. Tell me if they black white Hispanic k.
11/15/2017	11:44 PM	CV	I am not doin the school

11/15/2017	11:49 PM	TCD	Nodeal I could find out what school you go too. Just put your pic out there asking everyone if they know what school you go to js. Nvm bye.
11/16/2017	12:05 AM	TCD	Fine ignore me then were done i am showing fr now. I tried too make a deal you promised too give me 5 girls name age number you lied. Sis last chance to
11/16/2017	12:05 AM	TCD	O make a deal or I am showing fr. Not playing I will do it.

14. On November 16, 2017, pursuant to an administrative subpoena, Verizon Wireless indicated that they could not identify a subscriber for 360-214-1406, the number assigned to the Target Cellular Device number. However, Verizon did indicate that the account was activated on or about November 9, 2017. A subsequent telephone conversation with a Verizon Wireless employee confirmed that the cell number 360-214-1406 was assigned to a prepaid cellular phone. Law enforcement and public source databases were also queried in an attempt to associate the Target Cellular Device with a user. These queries met with negative results.
15. The number 360-214-1406, however, was associated with a complaint filed with the Bellingham, WA, Police Department. The Bellingham complainant indicated that on November 10, 2017, his seventeen-year-old daughter, (hereinafter referred to as CV-2), received a text from the cell number 360-214-1406. The text wished CV-2 a happy fifteenth birthday, and mentioned wanting to have a lesbian experience with CV-2. Included with the text was a photograph of a young female's face, and some more photographs of female genitalia.
16. On November 14, 2017, an investigator with the Bellingham, WA Police Department conducted a review of the contents of the phone previously described. The reviewing investigator provided the following description: "There were three photos that depicted the alleged senders face, both in part and in whole. The female

appeared to be approximately 15-17 years old. For all of the photos with the exception of one she was fully clothed. Although there were some photos that depicted explicit attention to her vagina and her breasts, they were still covered by clothing. The one photo that depicted full nudity was a photo of the bare buttock. This did not have a face shown in the photo therefore it could not be assumed the depiction of the buttocks were that of the female depicted in the other photos.”

17. On November 20, 2017, U.S. Magistrate Judge J. Michael Harvey of the U.S. District Court for the District of Columbia issued a sealed search warrant directing Verizon Wireless to provide historical cell site data for the Target Cellular Device. The warrant directed Verizon Wireless to provide prospective cell site and other location data for the Target Cellular Device for a period of 30 days, regardless of whether the cellular number assigned to device was switched to a different number.
18. On November 21, 2017, Verizon Wireless advised that the cell phone number that was assigned to the Target Cellular Device had been changed. Specifically, Verizon Wireless advised that on November 20, 2017, the number assigned to the Target Cellular Device had been changed from 360-214-1406 to 360-210-2360. Verizon Wireless further advised the cell phone device that had been assigned 360-214-1406 and was now assigned the number 360-210-2360 was assigned a mobile equipment identifier (MEID) a00000477f7856. An MEID is a globally unique identifier for a mobile device. It your affiant’s understanding that it is possible for the user of the Target Cellular Device to switch the assigned call number to yet another call number but the MEID for the device would remain the same.
19. On November 22, 2017, Magistrate Judge Harvey issued a Pen Register order authorizing federal agents to install and use pen-trap devices to record, decode, and/or capture dialing, routing, addressing, and signaling information associated

with each communication to or from the number 360-210-2360. The order was served on Verizon Wireless the same day.

20. SA Kunkle is a member of the Federal Bureau of Investigation's Cellular Analysis Survey Team and has completed in excess of 400 hours of training in relation to the analysis of cellular technology. On November 27, 2017, SA Jacob Kunkle was able to analyze the data provided pursuant to the order in paragraph 19. Based on SA Kunkle's analysis he was able to limit the geographical area of the location of the device to within a 3-mile radius of the cell towers located at State Route 95 and County Road 2704 in the Perrysville, Ohio area.
21. Investigative personnel have conducted a review of the data provided by Verizon Wireless pursuant to the pen register court order and the geo-location search warrant. The data indicates 360-210-2360 is an active telephone number and is consistently using cell towers in the vicinity of latitude 40.6721, longitude -82.3042, which is located approximately 1.7 miles north east of Perryville, Ohio.
22. Also on November 27, 2017, SA Kunkle conducted further analysis of the phone records obtained from Verizon Wireless and focused on the top 25 most frequent numbers in contact with 360-210-2360.
23. SA Kunkle identified only one number, 419-496-9799, that was within the geographical area of where the device is located. SA Kunkle then conducted a records search and found that the number 419-496-9799 has been used by Courtney Alexis Perry. A search of Facebook records affiliated with Courtney Alexis Perry by SA Kunkle revealed a photograph of a person identified as Michael Gregory Nixon.
24. SA Kunkle had previously conducted a records search of residences located within the target area as described in paragraph 21. SA Kunkle recognized the name

Michael Gregory Nixon from this search as having previously resided at 929 Township Road 2375, Perrysville, Ohio 44864, which is located within the target area.

25. A check of the Ohio Law Enforcement Gateway (OHLEG) database revealed Michael Gregory Nixon, SSN XXX-XX-4287, has a last known address on King Road in Ashland, Ohio.
26. SA Kunkle further identified Michael D. Nixon, SSN XXX-XX-3207, as currently residing at 929 Township Road 2375, Perrysville, Ohio 44864.
27. A check of OHLEG also identified Michael D. Nixon as residing at 929 Township Road 2375, Perrysville, Ohio 44864.
28. The address of 929 Township Road 2375, Perrysville, Ohio 44864 is located within the geographical range indicated by SA Kunkle in paragraph 21. There is only one other residence located within the target area. The Affiant has no investigative leads linking the second residence to the number 360-210-2360.

#### CONCLUSION

29. Based on the aforementioned factual information, your affiant respectfully submits that there is probable cause to believe that an individual who resides at the residence described above is involved in the sexual exploitation of children. Your affiant respectfully submits that there is probable cause to believe that an individual residing in the residence described above has violated Title 18 U.S.C. §§ 2251(a). Additionally, there is probable cause to believe that evidence of the commission of criminal offenses, namely, violations of 18 U.S.C. §§ 2251(a), is located in the residence described above, and this evidence, listed in Attachment B of this affidavit, which is incorporated herein by reference, is contraband, the fruits of crime, or things otherwise criminally possessed, or property which is or has been used as

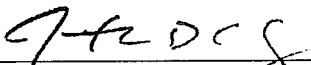
the means of committing the foregoing offenses.

30. Your affiant, therefore, respectfully requests that the attached warrant be issued authorizing the search and seizure of the items listed in Attachment B.

---

Bryan J. Allen  
Task Force Officer  
Federal Bureau of Investigation

Sworn and subscribed before me this 29th Day of November, 2017.

  
\_\_\_\_\_  
HONORABLE Jonathan Greenberg  
UNITED STATES MAGISTRATE JUDGE

# UNITED STATES DISTRICT COURT

for the  
Northern District of Ohio

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

929 Township Road 2375  
Perrysville, Ohio 44864

)  
)  
)  
)  
)  
)

Case No.

1:17 MJ 4204

**MAG. JUDGE GREENBERG**

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the \_\_\_\_\_ Northern \_\_\_\_\_ District of \_\_\_\_\_ Ohio  
(identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A, which is incorporated herein by reference.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

SEE ATTACHMENT B, which is incorporated herein by reference.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

**YOU ARE COMMANDED** to execute this warrant on or before \_\_\_\_\_

12-13-17

(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m.

☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

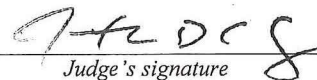
The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge Jonathan Greenberg \_\_\_\_\_

(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for \_\_\_\_\_ days (not to exceed 30).

☐ until, the facts justifying, the later specific date of \_\_\_\_\_

Date and time issued: 11-29-17 0939

  
Judge's signature

City and state: Cleveland, Ohio

Jonathan Greenberg, U.S. Magistrate Judge  
Printed name and title



***Return****Case No.:**Date and time warrant executed:**Copy of warrant and inventory left with:**Inventory made in the presence of:**Inventory of the property taken and name of any person(s) seized:****Certification***

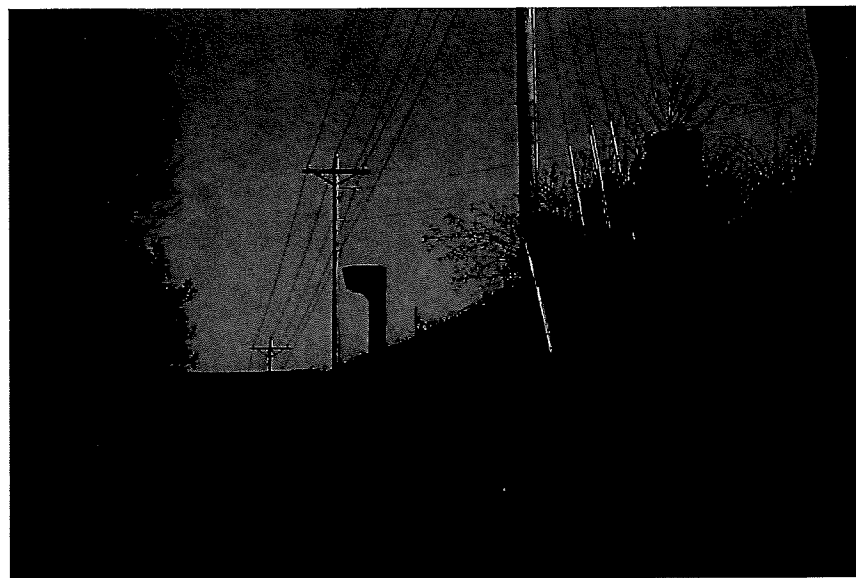
*I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.*

*Date:* \_\_\_\_\_\_\_\_\_\_  
*Executing officer's signature*\_\_\_\_\_  
*Printed name and title*

ATTACHMENT A  
929 Township Road 2375

Perrysville, Ohio 44864

The residence is described as a white in color single family dwelling with a two car detached garage. The front door is located on the north side of the residence and the side door is located on the east side of the residence. The mail box is located at the end of the driveway and has the numbers 929 TWP 2375 on the side.



## **ATTACHMENT B**

### **Particular Things to be Seized**

1. The Samsung Gusto 3 cellular telephone assigned call number **360-210-2360 and or ESN A00000477F7856**(the “target telephone”) whose service provider is Verizon Wireless, a wireless telephone service provider headquartered at 180 Washington Valley Road, Bedminster, NJ 07921.